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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,193	12/15/2003	Jun Fujimoto	KAW-308-USAP	4782
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EXAMINER				
HSU, RYAN				
ART UNIT		PAPER NUMBER		
3714				
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06/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,193

Applicant(s)

FUJIMOTO, JUN

Examiner

RYAN HSU

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "guest cards" and "game cards" and "guest pockets" are used throughout the claims as being information bearing means, however it is unclear the relationship these items have with respect to a communication system. The applicant is kindly asked to direct in the specification where these terms are claimed and how they are used. Furthermore, for the sake of advancing prosecution the terms "guest cards" have been interpreted as player tracking cards and the terms "guest pockets" and "game cards" are simply interpreted as being information passed during a game of chance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarker (US 6,508,709 B1) and further in view of Rowe (US 2004/0048670 A1).

Regarding claims 1-2, 4-5, 24-26 and 28, Karmarker teaches a communication system for a game using a game board provided with a plurality of pockets adapted to receive a game medium introduced, each pocket bearing an identifier, a predetermined guest using a gaming device for causing any of the pockets to receive the game medium and anticipating the identifier of the pocket (*see Fig. 13 and the related description thereof*); the communication system acquiring from the guest the identifier of the pocket expected to receive the game medium before the game medium is introduced to the game board and outputting the identifier before the game medium is introduced to the game board and outputting the identifier to a manager for managing the game (*ie: the system is able to accept the wagers made on the roulette game*) (*see col. 9; ln 38-col. 10; ln 7*). Additionally, Karmarker teaches a communication system comprising: managing means, disposed in a game arcade where the game is played for determining whether the game medium is about to be introduced to the game board and transmitting means disposed in the game arcade for transmitting information managed by the system indicative of instructions to transmit the identifier of the pocket expected to receive the game medium

to a communication terminal disposed in an accommodation facility (*see Fig. 2-3 and the related description thereof*). Furthermore, Karmarker teaches a display means for displaying information and indicating the events that occur in the game and to display the information received in the game inputted by the guest and output that information to the manager (*col. 8: ln 46-col. 9: ln 15*). Although Karmarker teaches the communication system to be able to be used either inside the gaming establishment or remotely it is silent with respect to teaching an embodiment that takes place inside the guest room of an accommodation facility.

In a related gaming patent, Rowe teaches an in-room game method and system. Rowe teaches allowing a player to be linked through a player rewards program and play promotional/demonstrative games within the confines of a guest room (*see paragraph [0042-0046]*). Rowe teaches that one would be motivated to incorporate such a feature as it creates an environment that can better attract new players to try new games (*see paragraph [0028-0029,0055-0057]*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to provide casino games in a guest room of an accommodation facility to Karmarker at the time the invention was made.

Regarding claims 3 and 7, Karmarker teaches a communication system wherein the communication terminal comprises a card reading means for reading guest-specific information specifying the guest stored in a predetermined guest card (*see Fig. 9 and the related description thereof*).

Regarding claims 6 and 17, Karmarker teaches a communication system wherein transmission of information from the transmitting means to the communication terminal

and the transmission of information from the communication means towards the game arcade are carried out via a local area network (*see col. 6: ln 20-col. 8: ln 20*).

Regarding claims 8-12, Karmarker teaches that the card reading means is configured to be able to inscribe the predetermined guest card with results and player tracking events. Additionally, Karmarker teaches a communication system wherein the guestroom of the accommodation facility is provided with input means for the guest to input the identifier of the pocket expected to receive the game medium (*ie: the player inputs the wagers to be placed into the game board and the system is able to identify whether it is accepted*). Furthermore, Karmarker teaches a system that is able to manage and display whether a player has been accepted or denied entry into a board game.

Regarding claim 13, Karmarker teaches a communication system wherein the game is a roulette game (*see Fig. 13 and the related description thereof*).

Regarding claims 14-15, 20, 23 and 27, Karmarker teaches a communication system for a providing a guest with a game played on a communication system that acquires information in order to proceed with the game based on the players inputs which are acquired and used by a manager for managing the game (*see col. 21: ln 5-col. 22: ln 52*). Additionally, Karmarker teaches the communication system to able to initiate a game of poker that accepts a players inputs and receives information on which cards the player wishes to replace and the outputs the game results to the player of the game of poker (*see col. 18: ln 13-col. 20: ln 67*). Furthermore the results and input information received by the game manager is then output to a display means that displays the instruction input and output through the operation of the game (*see col. 21: ln 1-65*).

In a related gaming patent, Rowe teaches an in-room game method and system. Rowe teaches allowing a player to be linked through a player rewards program and play promotional/demonstrative games within the confines of a guest room (*see paragraph [0042-0046]*). Rowe teaches that one would be motivated to incorporate such a feature as it creates an environment that can better attract new players to try new games (*see paragraph [0028-0029,0055-0057]*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to provide casino games in a guest room of an accommodation facility to Karmarker at the time the invention was made.

Regarding claims 18-19, Karmarker teaches a communication system wherein the guest specific information is obtained by reading the guest card with at least card reading means disposed in the accommodation facility and inscribes the guest card with game results and player tracking events (*see [408] of Fig. 9 and the related description thereof*).

Regarding claims 21-22, Karmarker's game system teaches providing input means for inputting information for the operations of a poker game such as position information corresponding to one or a plurality of game cards to be desired to be replaced by the guest and identifies the different game cards which are incorporated by a tag (*see col. 5: ln 1-25, col. 9: ln 36-65, col. 16: ln 45-col. 18: ln 57*).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

June 22, 2008

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714